

SUNDAY, MAY 26, 1907.
Rain to-day; partly cloudy and warmer to-morrow; south to southwest winds.

MRS. GOULD FEARED DRUGGING

WARNED TO BE CAREFUL ABOUT WHAT SHE ATE AND DRANK.

Hamel Will Be Questioned as to What He Knows About Alleged Conspiracy—P. O. Department Drawn In—Mrs. Gould Says That Her Letters Were Opened.

The statement which Mrs. Howard Gould made to Deputy Police Commissioner Hanson on Friday night has created a situation which will not be cleared by the mere retirement of Inspector William McLaughlin on a pension of \$2,500 a year.

It developed yesterday that Mrs. Gould told the Commissioner among other things that while the Central Office detectives and others were making her life almost unbearable by shadowing her everywhere she had received anonymous notes cautioning her against drinking coffee or liquors or eating anything in strange places. The writer feared that an effort would be made to drug Mrs. Gould. Mrs. Gould told the Commissioner she believed that it was the purpose of persons conspiring against her to get her under the influence of some drug and place her when in this condition in a compromising situation. She had no idea who the anonymous writer is. She described the handwriting as that of an uneducated person. Mrs. Gould, it was said, heeded the warning and took extra precautions to safeguard herself whenever she went out.

Commissioner Hanson is interested in these anonymous warnings, but not so much as in the letter which Mrs. Gould says she got from Albe Hummel. The Hummel letter came to her some time after the detective began, last June, to dog her steps. The letter said in effect that Hummel had information that city detectives were trailing her and suggested that Hummel himself could be a good man to retain to put an end to this constant espionage. What Commissioner Hanson is interested in particularly is how Hummel came to know about affairs of the Police Department which were apparently considered by Inspector McLaughlin as too sacred to be entered on the blotter, as the rules of the department require. It is likely that a representative from the Commissioner's office will pay Hummel a visit at Blackwell's Island on Monday or Tuesday and ask him about it. It is the hope of the Commissioner's office that the little lawyer may be more communicative at his summer place than he was at his Manhattan office.

The letter which Mrs. Gould received from Hummel wasn't the first intimation she got from outside sources that Inspector McLaughlin was on her trail. Several anonymous letters, so she told Commissioner Hanson, had come to her warning her that the city police were after her. One of these notes, which was dropped in her automobile when it was standing in front of the Waldorf-Astoria, ended with these words: "Keep faith with me by destroying this note and by leaving the fragments of it in the automobile which you will go out." Mrs. Gould complied with this request, but she was satisfied from the context that the person who sent her the note was one who had constant access to her car.

Mrs. Gould didn't retain Hummel, but went to see another lawyer, who advised her that there was no way of calling the detectives off until after she had filed the papers in her suit for a separation. Mrs. Gould's definite statement before the Deputy Police Commissioner that her mail had been tampered with will have the effect of extending the scope of the scandal beyond the Police Department. The Post Office inspectors said that they are prepared to go ahead and make a thorough investigation as soon as any formal complaint is filed. They won't wait long. Either Mrs. Gould or her counsel will file at the Post Office on Monday a formal complaint giving specific instances where her letters had been tampered with. To the Deputy Police Commissioner Mrs. Gould said that her letters not only had been opened, but that there was evidence that impressions of addresses and signatures had been taken.

Mrs. Gould didn't attempt to say what she thought the purpose of this persecution was, but her friends declared yesterday that they believed a search was being made by some persons for evidence which they hoped might substantiate a charge that she had been married before she became Howard Gould's wife. The postal inspectors declared yesterday that they would be able to tell in a minute if the letters had been tampered with. Mrs. Gould would only produce the envelopes.

There were indications yesterday that the investigation of the Gould scandal would also include the United States Secret Service force. Nothing definite has developed in that direction yet, but it is known that persons in charge of the New York office have begun to look into circumstances which may result in the dropping of one or two men there. The testimony before the Police Department yesterday that a Pennsylvania Railroad detective was employed to shadow her in California may call for a little housecleaning among the railroad sleuths.

There was at least one man in New York who was mighty sore over the statements made by Mrs. Gould to the Commissioner, and that was former Inspector Byrnes, under whose wing McLaughlin was reared in the Police Department. Mrs. Gould charged that the Detective Bureau when Byrnes was active in the Police Department was used by the Goulds to search out her record. That was before her marriage to Howard Gould, when the match was being opposed by George J. Gould and other members of the family.

Inspector Byrnes denied yesterday most emphatically that he had ever been responsible for any action by members of the Detective Bureau in regard to the present Mrs. Gould. He declared that he had never been asked to inquire into her record and that he knew nothing whatever about her except as he had read of her at the time of the marriage in the newspapers. Inspector Byrnes said that he intended to sue Mrs. Gould for the statements which she made before the Commissioner. He had consulted with his lawyers and instructed them to file a suit for libel and damages. Mrs. Gould after they had been ascertained from Deputy Commissioner Hanson just what Mrs. Gould had said about him to bring an action against her. He couldn't say whether it

JAPANESE ASK PROTECTION

THE SAN FRANCISCO AFFAIR REPORTED TO TOKIO

And Our Ambassador There Reports It to the State Department, Which Also Gets a Call From Ambassador Aoki—The Department Orders an Investigation.

WASHINGTON, May 25.—The Japanese question has broken out in a new form in San Francisco, and while the matter is not considered as serious as the school question, yet it is one which has called for action on the part of the Federal Government. Such action was taken promptly by Secretary Root to-day when the subject was brought to his attention.

Last Tuesday, during the troubles incident to the street car strike in San Francisco, several Japanese places of business in that city were attacked by a mob and some property belonging to them destroyed and other indignities were heaped upon the foreigners. According to information which the State Department has, a restaurant in Folsom street, San Francisco, conducted by Japanese was the scene of a disturbance in which several white men were implicated. This was followed by an attack upon a Japanese bathhouse across the street from the restaurant.

The trouble arose because of the alleged ejection of two white men from the restaurant. A mob took up the issue between the white men and the Japanese and made an assault upon both the restaurant and the bathhouse, with the result that both places were damaged. According to the reports, the white men entered the places and after destroying property made their escape through the rear of the bathhouse.

In San Francisco the affair was regarded only as an incident to the street car strike and general labor troubles with which the city is beset, and no report of it was sent out until after it was learned that the Japanese Consul-General in San Francisco and by him communicated to the Government in Tokio.

The explanation as to why no action was taken by the authorities in San Francisco and why protection was not afforded the Japanese is that the police of the city have had their hands full in dealing with the street car strike and upon disturbances which prevail all over the city. The general unrest in the labor situation. Now that the affair has been called to the attention of the State Department by Japan, which has asked for the protection of its subjects, the matter has assumed an international aspect and is regarded with a greater degree of seriousness.

The first intimation which the State Department had officially of the trouble came in a despatch to the department from our Ambassador at Tokio, Luke E. Wright, who called this morning that it was reported in Tokio and published that attacks had been made upon Japanese business establishments in San Francisco. Mr. Wright apparently regarded the matter as of grave consequence, although his despatch indicates that the Japanese authorities are treating the incident with calmness and relying upon the Government at Washington to enforce its treaty obligations and afford the subjects of Japan the necessary protection to insure the safety of their lives and property.

Secretary Root at once communicated the contents of the despatch to the Department of Justice, with the request that the Attorney-General call upon the United States District Attorney and the United States Marshal in San Francisco for a full report on the affair and that they take whatever steps can be taken to afford protection to the Japanese. Attorney-General Bonaparte at once complied with this request.

A little later in the day the Japanese Ambassador, Viscount Aoki, called at the State Department and had a conference with Secretary Root, giving him a full account of the affair as it had been reported to him by the Japanese Consul-General in San Francisco. The Ambassador requested of the State Department that steps be taken to guarantee his countrymen the fullest measure of protection to their lives and property. Assurance was given him that this would be done, and he was also advised of the action which the State Department had taken in requesting an investigation through the Department of Justice. Ambassador Aoki left the department thoroughly satisfied that everything would be done to insure the fulfillment of treaty obligations.

Following the interview with the Japanese Ambassador, Secretary Root telegraphed to Gov. Gillett, who is in San Francisco, watching the developments in the strike situation, asking him to make an inquiry into the facts of the case at once, and if it is as reported to see to it that the State of California does its part toward carrying out treaty obligations by giving the Japanese the protection which the United States guarantees to them. It was suggested to Gov. Gillett that in view of the previous trouble he should exert special effort in this case and that it was incumbent upon him to see that the police authorities of San Francisco do their full duty in the matter.

The situation in which the Federal Government finds itself is somewhat annoying, although similar situations have arisen in times past. Under the treaty agreement with Japan this Government guarantees Japanese subjects the right to reside in this country and the full protection of the laws with respect to the safety of their lives and property. At the same time it is a large extent the Government finds itself unable to enforce its treaty obligations to afford police protection and must rely for this upon the States. Just how far the Federal Government can go in such cases is a question which has been a matter of discussion for years. The only course which the Government can pursue is through injunction, and whether or not this will be resorted to in this case depends upon future developments.

INDIGNATION IN TOKIO.

Press and Officials Assume U. S. Government Will Protect Japanese.

TOKIO, May 25.—A report from the Consul for Japan in San Francisco has been received confirming the news of the attacks made recently upon Japanese restaurant keepers in that city.

The public here is indignant, but the press refrains from any hostile comment, assuming that the Washington Government will prevent the repetition of similar occurrences.

FRICK PUTS \$5,000,000 INTO ART.

To Build an Academy in Pittsburgh Which Will Rival Carnegie's Institute.

PITTSBURGH, May 25.—It was announced to-day that H. C. Frick will present a \$5,000,000 Academy of Fine Arts to Pittsburgh to offset Mr. Carnegie's institute. Mr. Frick has selected a site facing the Carnegie buildings and his art palace will look down on the more modest art gallery of the Carnegie Institute. In the Academy of Fine Arts Mr. Frick proposes to have a gallery which will, if possible, surpass that of Mr. Carnegie.

Mr. Carnegie's agents were on the lookout to prevent Mr. Frick from securing property near the Carnegie Institute, but Mr. Frick got ahead of him. He paid \$600,000 for the plot. Mr. Carnegie was told of Frick's scheme on his recent visit to Pittsburgh and didn't like it at all. His agents had already offered Mr. Frick about \$1,300,000 for the ground, but Mr. Frick shook his head and smiled.

The new school will be devoted to the education of young artists and it is understood Mr. Frick will endow it heavily. It will be erected in the center of an eight acre plot of ground and will occupy a position more advantageous than the Carnegie buildings. The plot of ground now secured by Mr. Frick was bought by Mr. Carnegie for his own buildings, but it was not in the market at the time.

ADVICE TO A NEW MILLIONAIRE.

William S. Mason Deluged With Letters From Those Who Want His \$6,000,000.

CHICAGO, May 25.—William Smith Mason, who got \$6,000,000 out of James Henry Smith's estate, has received more than a thousand letters from persons who announce that they would be pleased to help him spend all or a part of his inheritance. Many of those who address him are willing to do more for him than he can do for them. They promise to make him an Ambassador, a Peter Cooper, another Alexander the Great or a St. Francis of Assisi, the last named being the gentleman of an older time who gave his clothes away.

Mr. Mason's private secretary is spending most of her time sifting out the grain or two of merit from the pile of chaff. Some of the things Mr. Mason's correspondents have asked him to invest are gas, gasolene, real estate, insurance, bell lines and canals, city blocks, village farms, account books, irrigation bonds, hunting equipment and about everything else that is for sale for money. An Ohio minister who otherwise will have to forsake the profession to which he was called asks for a modest loan. He really believes it will be necessary unless Mr. Mason can send several hundreds by return mail.

LUCKY YOUNG WHEAT GAMBLERS

Chicago's "Boy Broker" Cleaned Up \$10,000, as Did Many Others.

CHICAGO, May 25.—Ed Bagley, the boy broker, who got into the limelight last fall for playing possum on the floor of the Board of Trade, has made big pickings in wheat in the last few weeks. His friends credit him with dragging out from \$100,000 to \$250,000, but he says it was \$300,000 or so.

About five years ago young Bagley was engaged in marking up quotations with a piece of chalk at the brokerage firm of A. O. Slaughter & Co.

Another young man who made his pile out of wheat in fewer days than it takes many men to acquire wealth is Fred Lewis, who admits taking \$40,000 out of the market, but who is said to have cleaned up more than \$100,000 in a few days.

Never before in the history of the board, members say, have the young men figured so largely. The Paten brothers are said to be the largest winners. It is asserted that they have made \$200,000. Another big winner is Earl O'Neill, who several years ago earned his living by pounding a telegraph key. Now it is said he is worth almost \$200,000.

H. C. Shamplin also was on the right side of the market and his bank account is now \$100,000 larger than it was a few days ago. Another fortunate trader who on a fortune in corn but lost it again, is Joseph Linberger, known on the floor as "Joe Legs" Linberger.

WORRYING MR. FAIRBANKS.

Two Congress Districts in Indiana Wish to Name Their Own Delegates.

INDIANAPOLIS, May 25.—The plan of the Fairbanks managers to secure a delegation to the national Republican convention composed of men whom the Vice-President himself shall select has met with pronounced opposition in the Indiana Congress district also in the Tenth.

The Eighth district Republicans have notified the managers that they do not propose to place any obstacles in the way of Mr. Fairbanks's nomination, and they will not object to the delegates being for or against him, but they refuse to surrender their prerogative of selecting their own delegates.

The Tenth district, it is said, has determined to send a man as delegate who is not friendly to Fairbanks, but who is ready to support him if it be the wish of the majority of the Republicans of the district. It is understood that this is not satisfactory to Mr. Fairbanks, and his managers are trying to bring about a compromise. State Chairman Goodrich has been meeting recently with the Republican leaders and editors of the districts and has made strong pleas in behalf of harmony and also for a solid delegation for Mr. Fairbanks. The managers of the Tenth and Tenth refuse to fall in with the plan.

TORNADO HITS TEXAS TOWN.

Five Killed and Fifteen Injured at Willis Point, Which Has Suffered Before.

DALLAS, Tex., May 25.—A tornado swept the northern part of Van Zandt county, about four miles southeast of Willis Point, to-night. Extensive damage was done in the country. Passing northwesterly, the tornado struck the eastern portion of the town of Willis Point, which is situated at \$50,000. This is the third tornado that has visited Willis Point within a few years and storm cellars are many as a precaution for safety. The telephone office says hundreds of the inhabitants rushed to and were huddled in these storm cellars in time to avoid injury.

MEXICO ON THE VERGE OF WAR

Will No Longer Tolerate Conditions in Guatemala.

Hostility Not Directed Against the People, but President Cabrera—Death Sentence on Nineteen Men Last Saturday—Guatemala Explains to Washington.

WASHINGTON, May 25.—That Mexico has allowed the present condition of affairs with respect to Guatemala to continue as long as she can well afford to is the opinion expressed to-day at the Mexican Embassy in this city.

It was stated at the Embassy to-day that the continuation of President Cabrera's policies, an example of which was the sentencing of nineteen men to death without trial for alleged complicity in an attempt to assassinate him, means that Mexico in the interests of civilization must intervene.

In spite of all that Mexico has done to preserve peace, in the opinion of Mexican diplomats here the time is near at hand when some drastic steps must be taken. It is pointed out that Mexico has no grievance against her neighbor, Guatemala, as a country, but that she can no longer tolerate the attitude and conduct of President Cabrera. It is feared that his latest action, when verified, will bring matters to a climax.

Mexicans here say that Mexico can stand by and look on idly no longer.

The Mexico Embassy is keeping in close touch with the situation and a formal declaration of war would cause no surprise here. A long cablegram was received to-night by Dr. Toledo Hernandez, the Guatemalan Minister from Juan Barrios, the Minister of Foreign Affairs, relative to the sentencing to death of nineteen men by President Cabrera. The despatch says:

"We have received advices from foreign sources in which it is said the situation of our country is terrible as a result of the recent attempt at assassination of President Cabrera. It is also stated that alarming news has become known because the authorities here have made arbitrary arrests and the situation in Guatemala therefore borders on anarchy. We have also heard it stated that the diplomatic corps is going to exert a combined and collective action because of the imprisonment of foreigners."

"In reply to this we wish to state that we call as a witness the very diplomatic corps, composed of all the members accredited to Guatemala, to testify as to what order is being kept in our country and to show that the only act of anarchy here has been the explosion of a mine directed against the President and the finding of other mines near his residence."

"The only arrests made have been those which are indispensable to get at the truth, and the following day those found not guilty were set at liberty, and from then on all those who after due process were not found to be implicated were set free. It is quite incorrect to say the diplomatic corps and the diplomatic representatives of Mexico here will admit the truth of this and declare that in no way has the Government of Guatemala overstepped the law."

MAY NOT GIVE UP GUERRIN.

Burglar Who Escaped From Devil's Island Says He's a British Subject.

LONDON, May 25.—Eddie Guerrin, the Chicago burglar, who has been in an English jail for months, will probably know within a fortnight whether he is to be returned to Devil's Island or allowed to walk the streets of London a free man. The decision in this case will be of far reaching importance and will involve the novel question of whether a British subject can be extradited from British soil for a crime committed in a foreign country.

Guerrin when arrested months ago in London appeared in the Bow street police court, and the Magistrate promptly granted his extradition. His friends in America, who had furnished the money to enable him to make a sensational escape from Devil's Island, continued their good offices, and Guerrin in entering an appeal secured the services of R. D. Muir, a well known King's counsel.

Muir immediately raised two points before the King's Bench division of the High Court of Justice. The first one was that Guerrin was born in Ireland and although he went with his parents to Chicago at an early age they never took out any papers and Guerrin was therefore still a British subject and could not be extradited to a foreign country. The second point was that France having banished Guerrin from that country for life, could not view the sentence as having been rescinded and ask for his extradition.

The judges regarded the first point as so important that a commission was engaged in Chicago to examine into the question of Guerrin's nationality and the report is now in England. The case will probably be reached within a fortnight.

A PRINCE OF ITALY HERE.

Duke of the Abruzzi Sells the Cruiser Varese in Hisself.

The Italian cruiser Varese, under command of Prince Louis of Italy, known generally as the Duke of the Abruzzi, arrived yesterday from Philadelphia and went to anchor in the North River off the foot of West Seventy-fourth street. She made the trip in the night and the Duke himself, who is an Admiral in the Italian navy and has explored many waters stranger than those fronting the New Jersey coast, had the bridge until the cruiser entered the North River. Reporters on the bridge of the Varese told that the Duke had been up all night and was taking needed sleep. The officers of the ship refused to talk about the souvenir hunters at Jamestown who, it was said, had even cut buttons off the coat of the Duke, besides mutilating the cabins of the warship.

The Italian Consul-General, Count Massimiliano, boarded the cruiser with a delegation of his countrymen just after she anchored, and before the Duke went to bed. The Duke will spend to-day aboard the ship and to-morrow will be the guest of Gen. and Mrs. Frederick D. Grant at Governors Island. To-morrow night he will be the guest at dinner at the Waldorf-Astoria of the Count's son, Prince Luigi. The Duke will be accompanied by Admiral Coghlan, Mayor des Planches, Italian Ambassador at Washington; Rear Admiral Emory, Admiral von Plank, of the Austrian navy, and Rear Admiral Thierry of the French navy. It is likely that the Duke, who has a record for polar exploration, will visit Commander Peary while here and swap sentiments on the subject.

MRS. MCKINLEY SINKING.

Hope of Her Improvement Given Up—General Gloom in Canton.

CANTON, May 25.—All hope of Mrs. McKinley's improvement was given up by the physicians this afternoon when there was a change for the worse.

"Mrs. McKinley is worse if anything, and is sinking," was Dr. Rixey's announcement. Because of Mrs. McKinley's condition Surgeon General Rixey and Secretary Cortelyou will not return East to-night. The doctors issued a bulletin at 11 o'clock this morning declaring Mrs. McKinley's condition to be less favorable. The news spread about the city quickly and there was general gloom. The physicians have resorted to-day to the frequent use of strychnine to stimulate the heart action.

The physicians held three consultations to-day, the last being at 5 o'clock this evening and the announcement following it was again unfavorable.

In an official statement at 10 o'clock to-night Dr. Rixey said that Mrs. McKinley was slowly sinking and showed no signs of improvement.

SOUTHERN JURY CONVICTS.

A Woman Who Killed a Banker in Defending Herself From Assault.

EASTMAN, Ga., May 25.—Although she declared dramatically on the stand that she killed Banker W. J. Marrell because he was attempting to assault her, Mrs. Sallie Freeny, a young widow of good family, was found guilty to-day of murder in the first degree.

The jury reached a verdict after being out nineteen hours and recommended mercy, which under Georgia law will prevent her from being hanged. A remarkable feature of the verdict is that more than half the jurors were in tears as Mrs. Freeny told the story of being forced to kill Marrell.

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READING MAY BOOST RATES.

Threat of Another Increase if the 2 Cent Fare Law Isn't Repealed.

PHILADELPHIA, May 25.—In its campaign of retaliation for the two-cent fare bill the Philadelphia and Reading Railway threatened to-day to raise its rates still higher than the 40 to 50 per cent. increase which has just gone into force. All tickets issued were marked good only until September 30, and it was not disguised that the intention was to increase the schedules at that time if the law was not stricken off the statute books. It was held forth tentatively that if the bill was repealed the rates would probably go back to the old level at that time.

Thousands of commuters transferred their patronage to the street cars to-day and the Reading's cars were only half full.

Retailers' measures against the road are under way. The Merchants and Travelers' Association, which was responsible for the introduction and passage of the two-cent law, has prepared representations to all the big merchants asking them to send their freight by steamship lines instead of by either the Pennsylvania or Reading.

Business associations are also behind a movement to call a special session of the Legislature for the passage of a bill placing the rate of fare at from one cent to a cent and a half a mile.

BALLOON MAMMOTH IN FLIGHT.

Great Double Decker Takes Up 16 People From Near London.

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, May 25.—The Mammoth, the largest balloon in the world, sailed from the Wadsworth gas works this afternoon, carrying sixteen persons, the largest number ever carried by a balloon. The Mammoth is a double decker, having a platform over the car on which two or three persons are able to promenade behind taut nets.

The Mammoth requires 108,000 cubic feet of gas to inflate it. The envelope contains 1,425 pounds of silk. The lifting power is 4,320 pounds, the weight of the balloon being 480 pounds.

For long distance journeys there is a special room for provisions. No bags of ballast are used. The aeronaut pulls a lever and the ballast streams down a chute.

INSURANCE LAW AMENDMENTS.

Gov. Hughes Not Satisfied With That Allowing Agents to Participate in Elections.

ALBANY, May 25.—While it was thought the amendments that were to be made to the insurance law had been definitely settled, it appears that Gov. Hughes is not satisfied with what the committee have done. This afternoon he had a conference with members of the Insurance Committee and after its conclusion it was announced that a conference will be held Tuesday with Samuel Undermyer, representing the International Policyholders' Association, and the heads of the insurance companies.

Gov. Hughes is not satisfied with the provision regarding the participation of agents in elections. It was understood that the bill was to provide that the agents were not to solicit votes or to have anything to do with the elections. The statement by the Insurance Committee showed that the agents were not to participate in elections during office hours. Gov. Hughes wants the amendment so drawn that agents will not be allowed to solicit votes, proxies or to influence policyholders in any way.

BARGE SINKS IN THE HARLEM.

Strikes Middle Pier of High Bridge and the Blow Opens Her Scams.

The coal barge Thomas F. Machsey, loaded to her decks, was sunk in the Harlem River yesterday afternoon off the Speedway at the foot of 163d street. The barge was being towed down the river by a tug when the tow became unmanageable owing to the adverse current. The barge struck the middle pier of High Bridge. The barge opened her seams and she began to take in water in a jiffy. Seeing that his craft was doomed, the captain ordered the coal to be unloaded his belongings on the deck of the tug.

For a few minutes it rained beds, bed-clothes, coats, trousers, overalls, old shoes and cooking utensils. The barge kept sinking, and just as she was about to founder the captain jumped aboard the tug and the lines were cast loose.

Mrs. Roosevelt to Go to Oyster Bay on Wednesday.

WASHINGTON, May 25.—Mrs. Roosevelt will go to Oyster Bay with the Roosevelt children next Wednesday. She will spend only a day or two there preparing the summer home at Sagamore Hill for the summer occupancy. She will then return to Washington and remain until the President goes to Oyster Bay on June 12.

NOT HAYWOOD ALONE ON TRIAL.

PROSECUTION SHOWS IT AIMS AT MINERS' FEDERATION.

The First Public Announcement That an Attempt Will Be Made to Uncover a Campaign of Assassination Comes Out in Examining a Testimony—A New Panel.

BOISE, Idaho, May 25.—That the prosecution in the trial of William D. Haywood for the murder of ex-Gov. Steunenberg will try to prove that the Western Federation of Miners has for years been controlled by a clique which has conducted a cold blooded war by violence and assassination upon anybody who stood in its pathway was made certain by what happened in court this afternoon.

The occurrences of the afternoon also made it only a trifle less plain that the prosecution believes it will be able to establish the fact. In other words, though it is nominally William D. Haywood who is on trial, he is on trial only as a member of that inner circle of the Western Federation of Miners, which, it will be contended, planned not only the murder of Steunenberg but also the assassination of many other men against whom the Federation had grudges in various mining States.

Intimations that this was the programme of the State have not been wanting heretofore, but this is the first time that public announcement to that effect has been made. It came out in the course of the examination of J. E. Tourtellotte, an architect of Boise. Tourtellotte is the youngest man now in the jury box. He came up in the morning session and qualified in excellent style until it came to questions about capital punishment. Then he said:

"I would never vote to convict a man of a crime when he would have his life taken from him unless it was a case of an anarchist organization or other organization which I believed was trying to destroy society or our present civilization. I don't believe in taking any man's life from him except in such a case or in case of war."

Every one present sat up at once and expected that the testimony would be promptly challenged by the prosecution. But he wasn't. Senator Borah was conducting the examination at this time. He merely got the architect to outline his view a little further and then passed him for cause.

The tactful Mr. Darrow raised his eyebrows and then began a long and painstaking inquiry on behalf of the defense. He wanted to know what Mr. Tourtellotte's idea of an anarchist was. Mr. Tourtellotte said an anarchist was a man who believed in our civilization and favored breaking it down or destroying it by force. "If," he added with emphasis, "an anarchist is what I have been led to believe him to be, then I am in favor of hanging them all on sight."

Pretty soon they got around to Haywood and his connection with the Western Federation of Miners. Mr. Darrow wanted to know if the defendant's controlling position in that organization would prejudice the testimony against him.

"If it is proved that Haywood is a member of an organization whose purpose has been to make war on organized society, then my theory as to his proper punishment would hold good," said the architect, decidedly. He went on to amplify his views on capital punishment. He didn't believe society had a right to take away from a man anything that it couldn't restore to him, except in case of self-defense. There was a long colloquy between the witness and the lawyer. Mr. Darrow got rid of a brief dissertation on socialism and how there could never be any improvement without change.

Still another question was asked by Mr. Tourtellotte. But this wasn't the end of the matter. Immediately after luncheon Mr. Tourtellotte rose in place in the jury box and told the court he didn't see how, with his views on capital punishment, he could take the oath as a juror. The Court asked him to explain himself and he repeated what he had said on the subject in reply to lawyers' questions.

But for the defense said that they could not see how the matter could be got into an angle unless there had been some misapprehension in the mind of the counsel for the prosecution as to how the witness stood. Then the prosecution spoke out.

"There is no misapprehension on our part," said Senator Borah. "This man has said that he was opposed to capital punishment except as a penalty for an attack upon society made by members of an organization. We are prepared to try this case along those lines."

Then he asked the witness whether he had changed the views he expressed as to the proper penalty to impose on a man convicted of belonging to an organization engaged in an attack upon society.

"My idea is," said the architect, "that society has a right to act in self-defense as an individual. If it is proved that a man controlled an organization whose purpose was to destroy society as it is at present exists in this country, then I'd vote for capital punishment in his case, but not otherwise."

"That's the way I understand you," went on the Senator, "and I also understood you to say that the Western Federation of Miners might possibly be such an organization."

"I said," corrected Mr. Tourtellotte, "that I had never thought of it before, but that it was possible that it might be. But I wouldn't vote a man's life away unless I thought that he was a danger to me or to the State."

"There's no challenge from us," declared the Senator, and sat down